

An Act

Legislative Act: 24-14

**AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2015 CAPITAL
APPROPRIATIONS BUDGET;
AND DECLARING AN EMERGENCY**

BE IT ENACTED BY THE COUNCIL OF THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be titled and codified as “The Comprehensive Capital Appropriations Bill for Fiscal Year 2015”.

Section 2. Purpose: To comply with the Constitution and laws of the Cherokee Nation, to authorize funding for governmental Capital-Type Expenditures and to provide full disclosure of finances, expenditures and revenues.

- A. The purpose of this enactment is intended to review, authorize, approve and ratify appropriations for Capital Expenditures in compliance with the specific laws governing appropriations (62 CNCA 31 & 32).
- B. The use of such funds shall be subject to public disclosure.

Section 3. Policy of Accountability:

- A. All funds under the care of the Cherokee Nation shall only be expended as authorized by this enactment unless amended.
- B. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any sources may be prosecuted according to applicable criminal statutes.
- C. The enactment of this Act or any part thereof, does not ratify, condone or legalize any prior expenditure which may be incurred contrary to Cherokee law. Any unauthorized expenditures, misappropriations, or other illegal acts involving the finances of the Cherokee Nation or any of its subsidiaries may be prosecuted under applicable law or other appropriate administrative or legal remedies.

Section 4. Legislative History

- A. The Constitution and laws (Title 62 of the Cherokee Nation Code) provides the requirements for appropriations, review and authorization for the use of all funds.

- B. The budget estimates of revenues and expenditures for Fiscal Year 2015 to document funding availability and provide justifications for expenditures are incorporated herein.
- C. All previous resolutions, statutes and relevant Court Decisions as may be applicable are acknowledged.

Section 5. Legal Authorities Governing the Use of Funds.

- A. The Constitution of the Cherokee Nation.
- B. Applicable Cherokee Nation Statutes and the Cherokee Nation Code Annotated (CNCA).
- C. Applicable Federal law and regulations regarding contracts, compacts, grants and use of trust funds.

Section 6. Funding Allocations and Justifications

- A. The Capital Appropriations from all sources of revenues have been proposed as estimates and justified by the Principal Chief for the Executive, the Chief Justice of the Supreme Court for the Judiciary and by the Speaker of the Council for the Legislative Branch.
- B. For purposes of this authorization, Capital Expenditures are defined by inclusion on the attached list of project accounting units.
- C. These proposed allocations for funding are hereby approved and incorporated herein.
- D. Funding for the listed projects shall remain in effect until the project is completed or the project is amended by action of the Council.

Section 7. Amounts Authorized and Required Reports to the Council.

- A. The budget authority for the Fiscal Year 2015 Capital Appropriations budget is \$119,689,431. The Executive, Judicial and Legislative Branches are authorized to expend such funds as set forth in the justifications subject to the continued availability of revenues.
- B. The Executive Branch shall provide monthly and annual financial reports in compliance with the Cherokee Constitution and laws and as the Tribal Council directs.

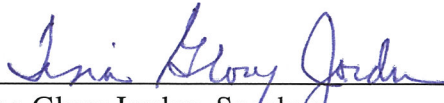
Section 8 Severability

The provisions of this act are severable and if any part or provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.


Section (code section) 8. Emergency declared

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.


Enacted by the Council of the Cherokee Nation on the 28th day of August, 2014.


Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:


Jodie Fishinhawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 28th day of August, 2014.


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


Chuck Hoskin, Jr., Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Don Garvin	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Lee Keener	<u>Yea</u>
Janelle Fullbright	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Jack Baker	<u>Yea</u>
Jodie Fishinhawk	<u>Yea</u>	Julia Coates	<u>Absent</u>
Curtis Snell	<u>Yea</u>		

**CHEROKEE NATION
FY2015 BUDGET
ADJUSTMENTS TO PROPOSAL**

Exhibit - A

Adjustments derived from Legislative Review Hearings:

#	Program	Group	Funding Src	AU	Impact of adjustments to:		Net
					Sources	Uses	
Proposed Budget - From Administration							
1.	Tax Commission - Revenue & Taxation	Tax Commission	General Fund	1011010	\$ 732,619,632	\$ 732,352,844	\$ 266,788
2.	Gen Fund Ops	Financial Resources	General Fund	1010280	15,506	1,021,175	(1,021,175)
3.	Environmental Protection Commission	EPC	General Fund	1011060		(3,036,169)	3,051,675
4.	OAG	Office of the Attorney General	General Fund	1010100		50,000	(50,000)
5.	OAG IDC	Office of the Attorney General	IDC	2041025		50,000	(50,000)
Explanation							
							decrease from \$1.50 to \$.80 retainage for rebates
							adjust to cover changes
							increase to research revisions to the EPC Code
							increase to add Information Officer; split 50/50 with IDC
							increase to add Information Officer; split 50/50 with GF
							increase War Pony by \$5k; increase Muskogee Murrow Home \$5k; Add line for Nutrition Centers by \$40k; Add line for Community Centers by \$40k; Add line for \$800,000 for Special Community Projects
6.	Contributions & Donations	Office of the Chief	General Fund	1010042		890,000	(890,000)
7.	Human Services Emergency Assistance	Human Services	General Fund	1010461		75,000	(75,000)
8.	Adult Language Program	Community Services	General Fund	1010580		60,000	(60,000)
9.	Land Development Land Ops	Management Resources	General Fund	1012350		75,000	(75,000)
10.	Land Development Land Ops	Management Resources	General Fund	1012350		175,000	(175,000)
11.	Gaming Commission	Gaming Commission	General Fund	1011040	(951,590)	(951,590)	-
12.	Community Youth Grant	Human Services	General Fund	1010248		175,000	(175,000)
13.	CN Holiday	Commerce Services	General Fund	1013000		5,000	(5,000)
14.	Tribal Summer Youth	Career Services	General Fund	1010533		275,500	(275,500)
15.	Vocational Assistance	Career Services	General Fund	1010569		150,000	(150,000)
16.	National Treasurers	Education Services	General Fund	1010191		50,000	(50,000)
17.	Get Out the Vote	Office of the Chief	MVT	1050041	(100,000)	(100,000)	-
18.	Cash Reserve	Financial Resources	General Fund	1010300	(15,506)	(15,506)	-
19.	CN Tax Comm Tag Office	Tax Commission	MVT	1050000		-	-

Total Adjustments to Proposed Budget

Total FY2015 Budget After Adjustments	\$ (1,051,590)	\$ (1,001,590)	\$ (50,000)
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Itemized Adjustments by Funding Sources

General Fund - Proposed	109,539,685	109,539,685	-
Adjustments	(951,590)	(951,590)	-
General Fund - Adjusted	108,588,095	108,588,095	-
IDC Fund - Proposed	45,215,878	44,949,090	266,788
Adjustments	-	50,000	(50,000)
IDC Fund - Adjusted	45,215,878	44,999,090	216,788
MVT - Proposed	19,970,221	19,970,221	-
Adjustments	(100,000)	(100,000)	-
MVT - Adjusted	19,870,221	19,870,221	-

Total of Adjustments

\$ (951,590)	\$ (901,590)	\$ (50,000)
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APPROPRIATION RECONCILIATION:

Capital Budget - Proposed	119,176,931	119,689,431	(512,500)
Adjustments	-	-	-
Capital Budget - Adjusted	119,176,931	119,689,431	(512,500)
Operating Budget - Proposed	613,442,701	612,663,413	779,288
Adjustments	(1,051,590)	(1,001,590)	(50,000)
Operating Budget - Adjusted	612,391,111	611,661,823	729,288

\$ 731,568,042	\$ 731,351,254	\$ 216,788
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**CHEROKEE NATION
FY2015 BUDGET
ADJUSTMENTS TO PROPOSAL**

Exhibit - A

Programs Relocated during Budget Hearings:

#	Program	Group	Funding Src	AU	Impact of adjustments to:		Net	
					Sources	Uses		
1.	Community Technical Assistance	Community Services	General Fund	1010575		(1,214,253)		
2.	Cultural Comm Outreach Admin	Community Services	General Fund	1010576		(335,139)		
3.	Community Cultural Outreach	Community Services	General Fund	1010577		(302,995)		
4.	History Preservation	Community Services	General Fund	1010578		(228,956)		
5.	Jurisdictional Outreach	Community Services	General Fund	1010579		(125,000)		
6.	Adult Language Program	Community Services	General Fund	1010580		(200,000)		
7.	Community Youth Grant	Community Services	General Fund	1010248		(700,000)		
8.	Community Adult Assistance	Community Services	General Fund	1010439		(100,000)		
9.	First Information Center	Community Services	IDC Pool	2041060		(133,021)		
10.	Community Technical Assistance	OPC - SOS	General Fund	1010575		1,214,253		
11.	Cultural Comm Outreach Admin	OPC - SOS	General Fund	1010576		335,139		
12.	Community Cultural Outreach	OPC - SOS	General Fund	1010577		302,995		
13.	History Preservation	OPC - SOS	General Fund	1010578		228,956		
14.	Jurisdictional Outreach	OPC - SOS	General Fund	1010579		125,000		
15.	Adult Language Program	OPC - SOS	General Fund	1010580		200,000		
16.	Community Youth Grant	Human Services	General Fund	1010248		700,000		
17.	Community Adult Assistance	Human Services	General Fund	1010439		100,000		
18.	First Information Center	Human Services	IDC Pool	2041060		133,021		
Total Adjustments to Proposed Budget						\$ -	\$ -	\$ -

BUDGET TYPE

Source/Use

CAPITAL

USE

Row Labels	2015 BUDGET	2014 BUDGET
01-TRIBALLY FUNDED	6,166,423	6,611,662
1010306 Facilities Improvement	400,000	550,000
1010464 Tribal Bridge Program	304,204	297,891
1012500 Land Acquisitions	5,462,219	5,763,771
02-MOTOR FUELS TAX	1,524,283	1,776,752
1022020 MFT Reserves Roads	1,524,283	1,776,752
05-MOTOR VEHICLE TAX	3,357,182	4,215,604
1052000 MVT Highways Const	3,357,182	4,215,604
19-DEPT OF TRANSPORTATION	64,604,642	47,825,387
3190000 DOT FHWA Roads	64,604,642	47,825,387
21-DOI SELF GOVERNANCE ROADS	14,608,615	23,844,432
3211000 DOI IRR Roads Construction	14,608,615	23,844,432
32-IHS SELF GOVERNANCE HEALTH	14,248,500	9,936,653
3329030 Health Equipment Replacement	10,000,000	5,688,153
3329050 Health Land Building Purch	2,248,500	2,248,500
3329070 Emergency Equipment Reserve	2,000,000	2,000,000
75-FEDERAL OTHER	388,757	711,032
3753300 Federal Transit Program	388,757	711,032
96-CAPITAL PROJECTS	14,791,029	24,219,087
7963000 Muskogee Clinic	1,066,660	1,220,991
7964500 Jack Brown Center Construction	1,000,000	4,600,000
7965100 Stilwell Child Development Ctr	-	521,902
7965200 Veterans Center	482,307	1,146,423
7965300 Tribal Council House	200,000	3,500,000
7965400 Tribal Complex Roof Replacemen	3,742,062	3,742,062
7965500 Tribal Complex Construction	5,000,000	5,000,000
7966000 Vinita Clinic Construction	-	426,777
7968100 Hastings Warehouse	-	21,924
7968200 WWH Phys Therapy Bldg Expansio	-	739,008
7968300 Health Facilities Equipment	3,300,000	3,300,000
Grand Total	119,689,431	119,140,609